

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)
)
UNION ELECTRIC COMPANY)
)
(Callaway Plant, Unit 1))

Docket Nr. STN 50-483 OL

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

MOTION TO OVERRULE OBJECTIONS OF
ROBERT G. WRIGHT, DATED 07 July 1982

The undersigned, on 01 July 1982, moved that the Board compel Callaway County and the State of Missouri to respond to discovery requests which had been initiated by said undersigned. The State of Missouri, through the offices of A. Scott Cauger, Esquire, Assistant General Counsel for the Missouri Public Service Commission has begun such response. Mr. Robert G. Wright, objects to being required to comply with discovery. It is respectfully moved that the Board overrule such objections and compel Mr. Wright, the official representative of the Callaway County Court, to comply with discovery.

DISCUSSION

Mr. Wright was duly elected to office as Associate Administrative Judge of Callaway County on 04 November 1980. He petitioned, under the provisions of 10 CFR, Part 2, Section 2.715(c) to represent Callaway County in this matter as pertains to issues of public health and safety or environment. His representative authority was formally authenticated on 18 February 1981 in "Mr. Wrights Answer to Staff Response, dated 28 January 1981, attachments 1 and 2". Mr. Wright was granted intervenor status by Board order of 05 February 1981. His participatory authority for the Callaway County Court was such that he could act for the Presiding Judge

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In all issues presented and had the official support of the Presiding Judge and the Associate Judge of the Western District.

As a duly elected county official and representative of the county, Judge (Mr.) Wright has the authority to compel a county employee (the Callaway County Emergency Management Coordinator) to answer interrogatories which relate to matters dealing with public health and safety or environment in the above captioned matter. Mr. Wright, with said authority, is himself empowered to respond to such interrogatories and his answers will reflect the opinion of the entire County Court.

Under the terms of 10 CFR, 2.715(c) representatives of interested governments have powers exceeding those granted under 2.715(a). Such representatives may introduce evidence, interrogate witnesses, advise the Commission, file proposed findings and exceptions and petitions for review by the Commission. Such broad authority and the granting of "intervenor" status by the Board Order of 05 February 1981, makes Mr. Wright a party to the above captioned matter in fact, if not in law. As such Mr. Wright's objections to providing information under the terms of discovery, when he is authorized to introduce such information as cited above, are without merit and tend to impede the accumulation of evidence by the undersigned and preparation for the hearing scheduled in October, this year.

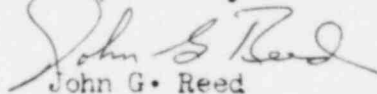
Mr. Reed is aware of his authority to seek such information by subpoena, under the provisions of 10 CFR, 2.740(f)(3). Such action will be taken as a last resort, if the requested information cannot be obtained otherwise.

SUMMARY

Mr. Reed has requested information under the provisions of discovery from the State of Missouri and the Callaway County Administrative Court. The State of Missouri is responding to such request. The Callaway County Administrative Court (through Mr. Wright) refuses to respond and objects to being compelled to provide said information. Mr. Wright is a duly elected official of Callaway County, formally empowered by the County Court to represent them at hearings in this matter, was granted intervenor status by the Board, has power to introduce evidence, interrogate witnesses, etc., and the Callaway County Court, which he is a member and representative in this matter, is the sole source of the information requested. Mr. Reed feels that Mr. Wright's objections are intended to impede access to the requested information, thereby posing a potential for delay in the schedule of events which lead to the hearing in October 1982.

For the above reasons, it is respectfully moved that the Board overrule Mr. Wright's objections and require the Callaway County Administrative Court Judges and the Callaway County Emergency Management Coordinator to answer the interrogatories posed by the undersigned.

Respectfully submitted,



John G. Reed
Citizen of the United States
of America

Dated this 08th day
of July 1982, at
Kingdom City, MO.

RFD #1
Kingdom City, Missouri 65262
tel: (314) 642-2769

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CERTIFICATE OF SERVICE

I hereby certify that the document attached hereto was served this
14th day of July, 1982 by deposit in the U.S. mail, first
class postage prepaid upon the following:

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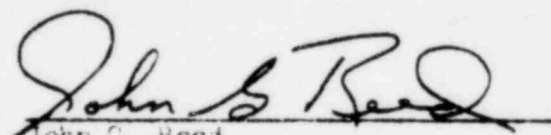
Mr. Glenn O. Bright
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Robert Wright, Judge Eastern Dist.
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John G. Reed
Citizen of the United States
of America